

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15370 of 2019

Arising Out of PS. Case No.-14 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Nalanda

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Alok Kumar, Son of Shivshankar Prasad, Resident of Village - Budhra, PS-
Athmalgola, Distt - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-03-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is languishing in custody since
07.02.2019 in connection with Bihar Sharif Excise Case
No.14C3Ex/19 registered for the offence punishable under
Section 30(a) of the Bihar Excise Act.

Prosecution case is that one vehicle was intercepted in
which three persons along with the petitioner were found
travelling and in the vehicle in question, 136 litres of Indian
Made Foreign liquor were recovered.

It is submitted by learned counsel for the petitioner
that the petitioner was simply a passenger in the vehicle in
question. The recovery cannot be treated from conscious



physical possession of the petitioner. Statement is made in paragraph no.3 of the bail application that the petitioner is not having any criminal antecedent.

Learned APP has vehemently opposed the prayer for bail and submits that the recovery has been made from the intercepted vehicle in which the petitioner was found travelling.

Considering the fact that recovery has been made from the vehicle in question in which the petitioner was traveling and statement being made in paragraph no.3 of the bail petition that the petitioner is not having any criminal antecedent, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-cum-Additional District & Sessions Judge-III, Biharsharif, Nalanda in connection with Biharsharif Excise Case No.14C3Ex/19.

(Dinesh Kumar Singh, J)

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